

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:93-CR-123-03-F

UNITED STATES OF AMERICA

v.

JOHN LEE BOYD, JR.,  
Defendant.

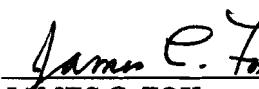
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O R D E R

The defendant's June 16, 2010, Motion to Enforce the Plea Agreement [DE-84] is DENIED as untimely – Boyd was sentenced in 1994 – and as lacking merit – the legal basis on which his argument relies was not recognized for federal sentencing purposes until January 2005, in *United States v. Booker*, 543 U.S. 220 (2005). Boyd was sentenced consistently with the advice he was given at his arraignment, and in accordance with the then-governing law.

SO ORDERED.

This 30th day of June, 2010.

  
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JAMES C. FOX  
Senior United States District Judge